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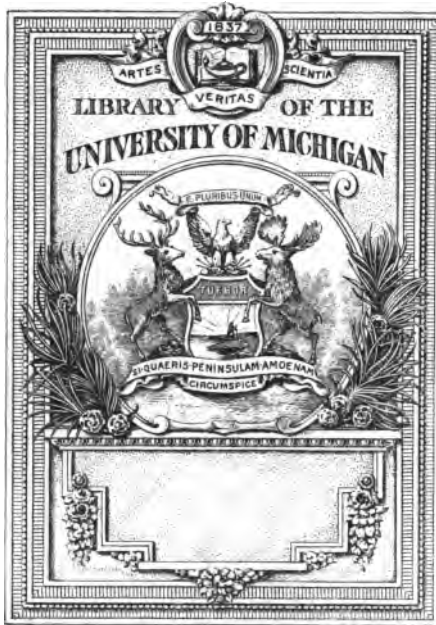
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New Hampshire without
provincial government.
1689-1690.

University of Michigan



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NEW HAMPSHIRE

WITHOUT

PROVINCIAL GOVERNMENT.

1689—1690.

AN HISTORICAL SKETCH.

BY

CHARLES W. TUTTLE.

New Hampshire
In New England

Vol
of a

NEW HAMPSHIRE

WITHOUT

PROVINCIAL GOVERNMENT.

153 573

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AN HISTORICAL SKETCH.

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CHARLES W. TUTTLE.

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1880.

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Historical Society for October, 1879.*

MASSACHUSETTS HISTORICAL SOCIETY.

OCTOBER MEETING, 1879.

THE stated meeting was held at the Society's rooms in Boston, on Thursday, the 9th instant, at 11 o'clock A.M. ; the President, Mr. WINTHROP, in the chair.

Mr. CHARLES W. TUTTLE laid before the Society an ancient manuscript, being the form of government for the Province of New Hampshire, adopted by a convention held in Portsmouth on the twenty-fourth day of January, 1690, and submitted the following communication respecting it:—

The political condition of the royal Province of New Hampshire during the short period it was without government, beginning with the deposition of Sir Edmund Andros on the eighteenth day of April, 1689, and ending with the re-annexation of that Province to Massachusetts on the nineteenth of March, 1690,—eleven months,—has received but little attention from historians. Dr. Belknap gives but little space,—less than twenty lines,—in his admirable history of New Hampshire, to the consideration of the civil affairs of this period, and

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is not entirely accurate in this. His relation of other events is more extended and correct.*

The fall of the government of Sir Edmund Andros over New England, an event in which neither the Province nor the people of New Hampshire had any part, left that Province without any government. The provincial officers of his appointment, civil and military, had no authority to act after his overthrow by the action of the people of Massachusetts. The four ancient towns, Portsmouth, Dover, Hampton, and Exeter, which then constituted that entire Province, were again in a state of independence, as they were when annexed to Massachusetts in the year 1641. They were now stronger in population and in political organization. Fifty years' experience had given them an almost perfect system of domestic self-government. But for the exigencies of the times, which required a bond of political union, and unity of action, they might have remained in their independent state without inconvenience, so well regulated were their domestic concerns, and orderly their inhabitants.

The people of the other Colonies and Provinces in New England, under the government of Sir Edmund Andros, were likewise left without government; but they had systems of government under which they had long been accustomed to live, and which they could readily resume. In less than one month after the overthrow of Andros, the Colonies of Massachusetts, Connecticut, Rhode Island, and Plymouth returned quietly to their former governments, and recalled their former magistrates.†

New Hampshire had been a royal Province little more than nine years when the revolution in New England occurred. During this period it had been governed by royal commissions in the hands of officers appointed by the king of England. Two entirely different systems of government had been set over the Province, neither of which suited the genius and wants of the whole people. They were therefore without any system of government, suited to their desires, to fall back on. The four towns remained eleven months without union, or any provincial government.

The war with the eastern Indians, begun in the Province of Maine in the summer of 1688, was only slumbering when the government of Sir Edmund Andros was overthrown in April, 1689. It was destined to break forth with great and terrible energy, supported by the moral strength, at least, of a new foe, before the summer ended, and to rage with little interruption till the Peace of Ryswick more than seven years later.‡

To add greater calamities to New England, on the seventh of May England declared war against France, an act that finally led to a fierce and bloody conflict between their American Colonies, notwithstanding the treaty of colonial neutrality made between these two

* Mass. Col. Records, vol. vi. pp. 1, 3, 127, 128. Farmer's Belknap, pp. 121, 122.

† Palfrey's Hist. New England, vol. iii. pp. 596, 597.

‡ Farmer's Belknap, pp. 131-143.

crowns less than three years before. This unhappy event in Europe encouraged the Indians in their war on the English, and darkened the prospect of all New England.*

A mighty scheme for the conquest of New York and of Hudson's Bay was already devised in France, although the treaty of colonial neutrality provided that, if the two crowns should break friendship in Europe, their colonies in America should remain in peace and neutrality. Actual collision with the French did not take place before November, a delay more on account of Boston trade than on account of the treaty stipulations. The blow then came from a squadron on the coast of Acadia, recently from France, and said to be designed to surprise Boston.†

The four towns in New Hampshire, nestling between Massachusetts and the Province of Maine, again under the jurisdiction of the Bay Colony, seemed far enough removed from either of the enemies of the English.

Suddenly, in the darkness of the morning of the twenty-eighth day of June, the third month after their government had been withdrawn, a body of Indians swooped down like a bird of prey on the frontier village of Cochecho, in Dover, and destroyed it; killing a large number of the inhabitants, and carrying away into captivity as many more. Among the slain was the venerable Richard Waldron, for more than forty years the admitted chief in civil and military affairs in the Province. Within one week after the overthrow of Andros, he had been appointed by the Council of Safety, in Massachusetts, "Commander-in-Chief of the New Hampshire Regiment."‡

A few hours after this memorable tragedy had ended, six of the principal gentlemen of Portsmouth received from Richard Waldron, Jr., a brief account in writing of what had befallen his venerable father and others at Cochecho, by the hands of the barbarous Indians. They immediately wrote a joint letter to Major Pike at Salisbury, the nearest military commander in Massachusetts, enclosing this account of the disaster, for the Governor and Council, and requesting assistance in this exigency of affairs, "wherein the whole country is concerned."

Major Pike wrote a short letter to the Governor, requesting speedy orders and advice, and forwarded it with the others to Boston.

Governor Bradstreet received them at midnight the same day of the massacre, and next day laid them before the General Court. Their contents were quickly considered, and a letter to the gentlemen of

* Brodhead's Hist. New York, vol. ii. pp. 475, 545. ‡ Mass. Hist. Soc. Coll., vol. i. p. 99.

† Documentary Hist. of New York, vol. ii. p. 47. Murdock's Nova Scotia, vol. i. pp. 178, 179. Brodhead's Hist. New York, vol. ii. p. 547. Mass. Archives, vol. xxxv. p. 106.

‡ What political relation the Council of Safety regarded the Province to have to Massachusetts when this act was done does not appear. Nor does it appear that Major Waldron exercised over the militia any functions of this commission. Farmer's Belknap, pp. 126, 129. Pike's Journal in Proceedings Mass. Hist. Soc., Sept. 1875, p. 124, and Dr. Quint's note. Mass. Col. Records, vol. vi. p. 6.

Portsmouth prepared and forwarded. The court expressed concern for their friends and neighbors, looking upon the affair as concerning all; but declined "to exert any authority in your Province." The letter concluded with advice to them to "fall into some form or constitution for the exercise of government for your safety and convenience." *

A few days later, the second day of July, seeing the defenceless condition of the Province, the General Court ordered that "drums be beaten up in Boston and the adjacent towns for volunteers to go forthwith for the succor and relief of our neighbor friends at Pascataqua, distressed by the Indian enemies." To encourage volunteers the court offered to provide their sustenance, and gave them liberty to nominate their own officers. They were also authorized to receive from "the public treasury eight pounds for every fighting man's head or scalp that they shall bring in," and also to share all plunder taken from the Indians. †

This dreadful massacre — the greatest, in all points of view, in the annals of the Province — spread terror among the inhabitants, and weakened their strength. It opened their eyes to the fact that their geographical position offered them no security from the blows of the barbarous enemy. It brought freshly before them their helpless condition by reason of the want of provincial government. Executive authority to raise military forces and provide for them, by impressment if necessary; to construct public defences and garrison them; to levy and collect taxes, and above all to make a treaty with other Colonies for joining in a common defence against common enemies, was now needed more than ever.

The magistrates and military officers in the Province, appointed by Andros, had undoubtedly exercised a feeble sway. The question had long been debated by the inhabitants whether their functions were wholly suspended. At length they generally concluded, "that we had no Governor nor authority in this Province so as to answer the ends of government, and to command and do in defence of their Majesties' subjects against the common enemy." ‡

The refusal of the General Court to exercise in the Province any of the functions of government, now so much needed there, the advice to form a government among themselves, and the great and pressing need of one at this juncture of affairs led to the first attempt to that end since the fall of Andros. Several gentlemen of Portsmouth and Great Island sent letters to the several towns in the Province requesting them to make choice of fit persons to meet on the eleventh day of July, and to "consider of what shall be adjudged meet and convenient to be done by the several towns in the Province for their peace and safety, until we shall have orders from the crown of England." Whatever should be agreed on by this convention was to be submitted

* 3 Mass. Hist. Soc. Coll., vol. i. pp. 88-90.

† Mass. Col. Records, vol. vi. p. 53.

‡ Nathaniel Weare's Letter to Robert Pike, in N. H. Hist. Soc. Coll., vol. i. pp. 135, 140.

to the towns for their approval. Nothing appears to have come of this.*

While the matter of provincial government was under consideration and debate in the towns, Massachusetts was actively preparing for the common defence of all the New England Colonies, against the French as well as the Indians.

On the seventeenth of July, she summoned her ancient allies, the Colonies of Connecticut and Plymouth, to send commissioners to Boston, "according to the rules of our ancient union and confederation," to consider measures for "a joint and vigorous prosecution of the common enemy." The commissioners assembled on the sixteenth day of September, and carefully examined the causes of the Indian war. They formally declared "the same to be just and necessary on the part of the English, and ought to be jointly prosecuted by all the Colonies." They directed notice to be sent to the towns in New Hampshire of their meeting and action, with a request for their "concurrence and assistance in a joint management of the war," and adjourned to meet again on the eighteenth day of October.†

With the first month of autumn came another attack of the barbarians in the Province. On the thirteenth of September, the settlement on Oyster River—a place fated to feel the stroke of savage vengeance oftener and more severely than any other in the Province—was attacked by Indians, and eighteen persons slain.‡

On the tenth day of October, Governor Bradstreet carried out the request of the commissioners by direction of the General Court. He wrote a letter to Richard Martyn, William Vaughan, and Richard Waldron, principal persons in New Hampshire, acquainting them of what had been done by the commissioners of the United Colonies, and requesting a commissioner to be sent from that Province to meet the commissioners at their next meeting. On the sixteenth these gentlemen sent a joint answer, wherein they expressed their thanks for what had already been done for the defence of the country, and regretted that there was insufficient time for the towns to assemble and make choice of a commissioner before the next meeting of the commissioners. They declared their determination to communicate

* N. H. Hist. Soc. Coll., vol. viii. p. 399. Weare's Letter.

† Mass. Archives, vol. xxxv. p. 50. Ibid. vol. cvii. p. 244. 4 Mass. Hist. Soc. Coll., vol. v. pp. 203, 212. Bradstreet's Letter to Governor Treat, Connecticut Archives.

‡ Manuscript letter of Major Robert Pike, in Mass. Archives, vol. cvii. p. 314. 4 Mass. Hist. Soc. Coll., vol. v. p. 212. Mather's Magnalia, lib. 7, p. 67. Farmer's Belknap, p. 131. Major Pike says the garrison attacked was Langstaff's; and that the number slain and carried captive was nineteen. Mather says it was Lieutenant Huckin's garrison that was attacked; and that "Captain Garner" pursued the Indians. His statement has been accepted by all historians. Captain Andrew Gardner of Boston, of the forces of Major Swayne lately sent into those parts, had a company of soldiers scouting there, whose head-quarters were at Salmon Falls. Pike in his journal says it was James Huggin's garrison, and carries the event back into August, which is clearly wrong. The date of this attack has never before been fixed.

the request to the several towns forthwith, so that a commissioner might be chosen for any later meeting of the commissioners.*

Near the end of October the several towns held meetings and voted for a commissioner of the United Colonies of New England, an act that gives the Province new importance in history. The votes of the towns were sent to Portsmouth, and it appeared that William Vaughan was elected commissioner.† Dover appointed John Tuttle, agent, to take the vote of the town to Portsmouth to be counted with the votes of the other towns, and to assist in giving instructions to the commissioner chosen as to the management of the war.‡

The commissioners of the United Colonies now assumed the direction of the war, which was carried on at the joint expense of all. Connecticut had strongly hinted that Rhode Island should be invited to join the confederation. Governor Bradstreet was prevailed on to write to Governor Clark on the second day of August, setting out the necessity of making a joint defence against the common enemies of the English, and requesting advice and assistance. It does not appear that any ever came. Rhode Island had not been admitted to the confederation in former years.§

On the sixth of December the commissioners of the Colonies, Vaughan with them, assembled in Boston to consider the war with the French. Although this war had been declared seven months before in Europe, no considerable injury had been inflicted on New England till recently. Intelligence had now arrived that war had been publicly declared against the English at Port Royal, and that English fishing vessels in that quarter had been seized, some kept and others sent to France; that the French were aiding and assisting the Indian enemy with arms and ammunition, thereby showing their intention, by all ways and means, to hurt and destroy their Majesties' subjects; a thing they will continue to do so long as they have any considerable fortified fort or harbor near us. The commissioners therefore recommend that in the United Colonies and Provinces in these parts his Majesty's declaration of war against France be forthwith published, and that care be taken that the militia be well settled, and the fortifications in sea-port towns be made fit for service. They also recommend that a committee of fit persons be appointed to inquire into the present condition of our French neighbors, and to find what measures need be taken in regard to them, so as to prevent their doing further injury, and giving further assistance to the Indians, and make report.||

* Mass. Archives, vol. xxxv. pp. 50, 57.

† N. H. Prov. Papers, vol. ii. pp. 30, 32. Mass. Archives, vol. xxxv. p. 106.

‡ N. H. Hist. Soc. Coll., vol. viii. p. 398.

§ Mass. Archives, vol. xxxv. pp. 63, 106. Ibid. vol. cvii. p. 247. Colony Records of Conn. 1689-1706, p. 3. Church's Philip's War, pt. ii. pp. 55, 58. Arnold's Hist. Rhode Island, vol. i. pp. 156, 157.

|| Mass. Archives, vol. xxxv. p. 106. Doc. Hist. N. Y., vol. ii. p. 47.

It is worthy of note that our historians have omitted to mention the commissioners of the United Colonies and their action, as related here.

On the eighteenth of December, Hampton was so sensible of the want of government that three of its principal inhabitants, viz., Nathaniel Weare, Samuel Sherburne, and Henry Dow, were selected to meet persons chosen by other towns, and consider and debate this matter of government, and make report at the next town meeting. Nothing, however, seems to have come of this, except that Hampton now began to be very jealous of the other towns.*

When the memorable year 1689 ended, the four towns in New Hampshire were still without union and without government. The prospect of having a provincial government set over them by William and Mary was no better than when the government of Andros was withdrawn from them, more than eight months before. A conflict of arms with the French was impending. The veteran Frontenac, the greatest soldier in the New World, now again the military chief of New France, had been three months in Canada, and was preparing to crush the English settlements in New England.†

At this juncture of affairs, Portsmouth, Dover, and Exeter came to an understanding that each should choose commissioners with full power to meet in joint convention and devise "some method of government in order to their defence against the common enemy."

Hampton seems to have been unreasonably jealous of the other towns, and to have delayed action in the matter of providing a provincial government. This applies to part, not all the inhabitants. Portsmouth, Dover, and Exeter elected their commissioners to the Convention; and the commissioners of the two former towns were forced to request Hampton to elect her commissioners. She delayed action nearly three weeks in a matter of so much consequence, and finally brought all to nought.

Exeter sent four delegates, and the other towns six each, to the Convention, making twenty-two in all. They were the chief persons in the four towns of the Province, and heads of families. The commissioners met in Convention in Portsmouth, the metropolis of the Province, on the twenty-fourth of January, 1690. How they organized, or who their officers were, is unknown. The Convention unanimously adopted a simple form of self-government, substantially like that set over the Province by the royal Commissions of Charles II., to President Cutt and also Lieutenant-Governor Cranfield. To give their act the greatest force and authority, each and every member of the Convention set his hand to the instrument on which was drawn the form of the new provincial government. This celebrated document, the only remaining record of the Convention now known, is in the handwriting of John Pickering, a lawyer of Portsmouth, and a member of the Convention.‡ Having finished its labors, the Convention ad-

* N. H. Prov. Papers, vol. ii. pp. 31, 43, 44. Weare's Letter.

† Brodhead's New York, vol. ii. pp. 603, 606. Farmer's Belknap, p. 132.

‡ N. H. Prov. Papers, vol. ii. pp. 31-34. Weare's Letter above referred to. Also the original record printed on pages 227, 228.

journed to meet again, after the election of officers for the new government, and count the votes.*

This venerable state document, now printed here for the first time, came to my hands many years ago with some manuscripts of John Tuttle of Dover, a member of the Convention, and my paternal ancestor.† The Convention being a novel proceeding, its records would not likely go with the public archives of the Province. It is amazing that so fragile and homeless a document should find its way down to this time in such good state of preservation. It could not have been seen by Dr. Belknap; otherwise he would have related more fully and accurately the action of the Convention.

The new government was to consist of a President, Secretary, and Treasurer to be chosen by the whole Province; also a Council of ten members to be chosen by the four towns, — Portsmouth and Hampton having three each, and Dover and Exeter two each, — and a Legislative Assembly.‡

On the thirtieth day of January, 1690, six days after the adoption of the form of government, a town meeting was held in Dover to choose two members of the Council, and to vote for President, Secretary, and Treasurer. Captain John Gerrish and Captain John Woodman, two leading citizens, were elected members of the Council. The votes for the other provincial officers were given and sealed up to be opened by the commissioners and counted with the votes of the other towns.§

About the same time, a town meeting was held in Hampton to elect three members of the Council, and to vote for President, Secretary, and Treasurer of the Province. A majority agreed not to vote for any provincial officers, to the great surprise of the whole Province. The six commissioners of Hampton had agreed in Convention to the form of government, and subscribed the record. This action speedily put an end to the attempt to form a provincial government.||

The events of the war were thickening. Schenectady had been destroyed at one blow; and a French and Indian force was already on its way from Canada to the Pascataqua, though then unknown in the Province. A crisis had arrived. These towns must have a government over them.

Some of the leading gentlemen in Portsmouth drew up a petition, addressed to the Governor and Council of Massachusetts, praying for government and protection as formerly, till their Majesties' pleasure

* Dover Town Records, January, 1690.

† A biographical sketch of John Tuttle is in the Historical and Genealogical Register, vol. xxi. pp. 135-137.

‡ See the original record printed here.

§ Dover Town Records, January, 1690.

|| Weare's Letter. It is worthy of note that the town records of Hampton, with the letter, so often cited, of Nathaniel Weare, furnish an outline of the political history of the Province during this period. Portsmouth and Exeter town records show but little of their action; while Dover records supply valuable information nowhere else to be found.

should be known, and declaring readiness to bear a proportion of the charge for defence of the country against the common enemy. This was now the twentieth of February, 1690. The petition was quickly carried through all the towns, and received three hundred and seventy-two signatures. Fifteen members of the Convention, two-thirds of the whole, signed it;—all from Exeter, and all from Portsmouth except Robert Elliot; all from Dover, except John Tuttle, John Roberts, and Nicholas Follett, and all from Hampton, except Nathaniel Weare, Henry Dow, and Henry Green.* The original petition is preserved with the Massachusetts Archives.

Nathaniel Weare, a principal inhabitant of Hampton, and a member of the Convention, was much grieved at the action of Hampton in refusing to elect officers and complete the organization of the provincial government. He was in favor of the plan of self-government, and opposed to annexation to Massachusetts to the same extent as before. He says that this petition was brought to Hampton on the twenty-sixth day of February, while the militia were assembled there; and that many signed it without knowing what it was; and, also, that many children and servants there did the same. Hampton now clearly preferred to remain in her independent state.†

This petition was quickly taken to Boston by John Pickering and William Vaughan, and was presented to the Governor and Council on the twenty-eighth day of February. It was received, and the prayer of the petitioners granted. The Governor and Council forthwith appointed William Vaughan, Richard Martyn, and Nathaniel Fryer, known adherents to the Colony, magistrates over the Province; and Vaughan then and there took the oath of office.‡ Order was given for the towns to make choice of civil and military officers, to complete the new organization, and present their names to the General Court for confirmation, which was quickly done.

In a few weeks John Pickering was dispatched to Boston in behalf of the Province, with a full list of officers, civil and military, and a joint letter of recommendation from William Vaughan and Richard Waldron, to lay the same before the Governor and Council and the Deputies. On the nineteenth day of March, 1690, both branches approved the action of the Governor and Council on the twenty-eighth of February, and confirmed the list of officers.§ Only the day before, Frontenac's party of French and Indians had fallen on the eastern frontier of Dover, and destroyed the village of Salmon Falls.

The Province was now again fully restored to its former relations with Massachusetts, and remained till the Commission of Samuel

* N. H. Hist. Soc. Coll., vol. viii. pp. 293-298. Mass. Archives, vol. xxxv. p. 229. The names are very incorrectly spelled in the Collections of the New Hampshire Historical Society, vol. viii.

† Weare's Letter. A biographical sketch of Nathaniel Weare by the late Chief-Justice Bell, is in N. H. Hist. Soc. Coll., vol. viii. pp. 381-394.

‡ Sewall Papers, vol. i. p. 312. Weare's Letter.

§ Mass. Archives, vol. xxx. p. 308. N. H. Prov. Papers, vol. ii. pp. 40, 41. Mass. Col. Rec., vol. vi. pp. 127, 128. Farmer's Belknap, p. 132.

Allen as Governor of the Province was published there August 13, 1692.*

During this period of suspended government over the Province, only one act of violence appears against any of the officers appointed by Andros. Richard Chamberlain was Secretary from 1680 to 1686, when the government of Joseph Dudley was extended over the Province, and that office abolished. He was then made clerk of the judicial courts, and held that office till the government of Andros was withdrawn. The records and files of the Province as well as the courts were in his possession, having come there by virtue of his official station. The people resolved to get them from him, although no one had a better right to hold them. Captain John Pickering, a resolute man, — the same mentioned in these pages, — with an armed force proceeded to Chamberlain's house, and demanded the records and files. Chamberlain very properly refused to give them to him, without some legal warrant for his security and protection. Thereupon Pickering seized them with force, and carried them out of the Province.†

Form of Government.

NEW HAMPSHIRE IN NEW ENGLAND.

At a meeting of the Committee chosen by the inhabitants of the respective towns within this Province for settlement of a method of order and government over the same, until their Majesties take care thereof, held in Portsmouth the 24th of January, 1689.

Whereas, Since the late revolution in the Massachusetts Colony, no order from their Majesties has yet arrived for the settlement of government in this Province, and no authority being left in the Province save that of the late Justice of Peace; which, considering our present circumstances, cannot answer the end of government, viz., the raising men, money, &c., for our defence against the common enemy,

Resolved, That a President and Council, consisting of ten persons, as also a Treasurer and Secretary, be chosen in the Province, in manner and form following: viz., for the Council, three persons of the inhabitants of Portsmouth, three persons of the inhabitants of Hampton, two persons of the inhabitants of Dover, and two persons of the inhabitants of Exeter; which persons shall be chosen by the major vote of the inhabitants of the town where they live, and the President, Treasurer, and Secretary to be chosen by the major vote of the whole Province, which President shall also have the power over the militia of the Province as major, and the President and Council so chosen, or the major part thereof, shall with all convenient speed call an assembly of the representatives of the people not exceeding three persons from one town, which said President and Council or the major

* N. H. Prov. Papers, vol. ii. p. 71.

† N. H. Prov. Papers, vol. i. pp. 590, 600. Ibid. vol. iii. p. 298. Farmer's Belknap, pp. 149, 150. A memoir of Captain John Pickering is in N. H. Hist. Soc. Coll., vol. iii. pp. 292-297.

part of them, whereof the President or his Deputy to be: or together with the representatives aforesaid, or the major part of them, from time to time shall make such acts and orders, and exert such powers and authority as may in all respects have a tendency to the preservation of the peace, punishment of offenders, and defence of their Majesties' subjects against the common enemy, provided they exceed not the bounds his late Majesty, King Charles the Second, was graciously pleased to limit in his royal commission to the late President and Council of this Province.

ROB^t WADLEIGH,
WILL^m HILTON,
SAMUELL LEAVETT,
JONATHAN THING,

JOHN WOODMAN,
JOHN GERRISH,
JOHN TUTTLE,
THOMAS EDGELEY,
JOHN ROBEARTS,
NICH. FOLLETT,

HENRY GREEN,
NATH^{ll} WEARE,

SAMUELL SHUEBER,
his
MORRIS X HOBS,
mark
HENRY DOW,
EDWARD GOUE,

NATHAN^{ll} FRYER,
W^m VAUGHAN,
ROBT. ELLIOT,
RICH^p WALDRON,
JOHN PICKERIN,
THO. COBBETT.*

* The spelling and punctuation of this manuscript have been made to conform with modern usage in this printed copy. The names of persons are allowed to remain as they were written. A heliotype of the whole original manuscript is given.

